



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, May 10, 2005
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Joseph V. Mulvey
John R. Capobianco
Gerald S. Goldstein
Ellen L. Jordan
Elizabeth Dolan

BOARD MEMBER ABSENT: Frank J. Montanaro

OTHERS PRESENT: Robyn H. Golden, Acting Administrator
Linda L. Esposito, Secretary

OTHERS ABSENT: Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:02 a.m.

All members present reviewed the Open Minutes of the March 8, 2005 Board Meeting and the March 31, 2005 Emergency Board Meeting. A Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

CONSENT AGREEMENTS & AFFIDAVITS:

1. Case No. EE-3270
Department of Labor & Training & RIESA, SEIU
UNIT CLARIFICATION: Maintenance Superintendent

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to

acknowledge and accept the parties' signed agreement; that the position of Maintenance Superintendent shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-3270. After discussion, all Board Members present voted in favor of the Motion.

John Capobianco arrived at 9:04 a.m.

2. Case No. EE-3168
East Providence Housing Authority & RI Laborers' District Council on behalf of LU 1217
UNIT CLARIFICATION: Facilities Manager; Comptroller/Bookkeeper; and Social Worker/Admissions

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the positions of Facilities Manager, Comptroller/Bookkeeper, and Social Worker/Admissions shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-3168. After discussion, all Board Members present voted in favor of the Motion.

CASES CONCLUDED:

Gerald Goldstein recused himself from participation in this matter

1. Case No. ULP-5711
Department of Business Regulations – Racing & Athletics & RI Laborers' District Council, Local 808

This case was heard formally by Chairman Walter Lanni, Joseph V. Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan and Ellen Jordan.

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer. After discussion, Walter Lanni voted in favor of the Motion. Elizabeth Dolan, and Ellen Jordan voted against the Motion. Motion passed. (Staff will contact Frank Montanaro to obtain his vote on this Motion)

Staff contacted Frank Montanaro for his vote in this matter. Mr. Montanaro stated that he did not have the opportunity to review the case nor read the transcript and briefs, therefore, Mr. Montanaro shall abstain from voting in this matter.

MISCELLANEOUS MATTERS:

1. Case No. EE-1951
State of Rhode Island, RI Board of Governors for Higher Education & Association of Certified Teachers of Driver Education, Affiliated with the RI Federation of Teachers and the National Education Association of RI (NEARI)
Amended Certification

A request was filed by the Employer to amend the Certification in the above-entitled matter to reflect the appropriate name change pursuant to the amendment of R.I.G.L 31-10-20. After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the Amended Certification in this matter. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. EE-3365
State of Rhode Island & RI Laborers' District Council on behalf of Public Service Employees' Local Union 808
Amended Certification

A request was filed by the Union to amend the Certification in the above-entitled matter to reflect the appropriate change of Local Union number. After review, a Motion was made by Joseph Mulvey and seconded John Capobianco by to accept the Amended Certification in this matter. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. EE-3655 (**Superior Court #03-6341**)
State of RI – Fire Marshall's Office & RI Laborers' District Council, Local 1033
Review of Court Ruling

A Motion was made by John Capobianco and seconded by Gerald Goldstein to table this matter until the June 14, 2005 Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

4. Case No. EE-3541 (**Superior Court #PC03-5843**)
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

A Motion was made by John Capobianco and seconded by Gerald Goldstein to table this matter until the June 14, 2005 Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

5. Conciliatory Hearing List

The Acting Administrator advised the Board as to the status of the compilation of the information for creating the conciliatory hearing officer list.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:25 a.m.

The meeting resumed in open session at 9:35 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

Frank Montanaro has recused himself from participation in this matter

1. Case No. ULP-5748
Town of Coventry & Local 3240, IAFF

DETERMINATION: dismiss the charge in accordance with R.I.G.L. 28-7-9(d).

2. Case No. ULP-5751
Town of Lincoln & I.B.P.O.

DETERMINATION: issue Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Case No. EE-3678
Town of Westerly & NEARI

DETERMINATION: Motion to Intervene filed by RI Laborers' District Council granted and to proceed with the Formal Hearings.

A Motion to adjourn was made by Elizabeth Dolan, and it was seconded by Ellen Jordan, and it was unanimously,

VOTED: to adjourn the meeting at 9:40 a.m.